

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

KEVIN LAYNE HINDS,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 3:06-CV-2348-D
VS.	§	
	§	
RICHARD F. SYRON, et al.,	§	
	§	
Defendants.	§	

**ORDER**

I

After making an independent review of the pleadings, files, and records in this case, and the February 14, 2007 report and recommendation of the magistrate judge, the court concludes that the recommendation is correct and is adopted. Accordingly, the December 20, 2006 motion of Richard Syron ("Syron") and Lisle Patton ("Patton") to dismiss for failure to state a claim is granted, and plaintiff's actions against Syron and Patton are dismissed with prejudice. The January 12, 2007 motion of defendant Jim Caldwell ("Caldwell") to dismiss plaintiff's original petition for replevin is granted, and plaintiff's action against Caldwell is dismissed with prejudice. A Fed. R. Civ. P. 54(b) final judgment will be filed today dismissing plaintiff's actions against these three defendants.


II

Two defendants remain in this removed case: Stephen J. Rotella ("Rotella") and Marie Walton ("Walton"). Pursuant to Rule 4(m), the court orders that plaintiff demonstrate good cause, in accordance with Rules 4(m) and 6(b), for failing to effect service on Rotella and Walton. This must be done by filing a written response with the clerk of court no later than March 27, 2007. If the court does not receive the required response on or before the response date, or if the response

received by the court fails to demonstrate good cause, the court will dismiss plaintiff's actions against Rotella and Walton without prejudice, by authority of Rule 4(m).

**SO ORDERED.**

March 7, 2007.

  
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SIDNEY A. FITZWATER  
UNITED STATES DISTRICT JUDGE